

Message Text

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51

ORIGIN ACDA-19

INFO OCT-01 EUR-25 IO-15 ISO-00 L-03 PM-07 INRE-00 SSO-00

NSCE-00 USIE-00 CIAE-00 DODE-00 H-03 INR-10 NSAE-00

NSC-10 PA-03 RSC-01 PRS-01 SPC-03 SS-15 AEC-11 SAJ-01

MBFR-04 SCI-06 /138 R

DRAFTED BY ACDA/IR:WGIVAN:CVANDOREN:JEG

APPROVED BY ACDA/IR:DLINEBAUGH

ACDA/NWT:JBORIGHT

EUR/CE:HWILGIS

EUR/CE:NLEDSKY

EUR/RPE:AKATZ

L/EUR:DSMALL

L/UNA:SNELSON

PM/DCA:RMARTIN (DRAFT)

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O R 091848Z OCT 73

FM SECSTATE WASHDC

TO AMEMBASSY BONN IMMEDIATE

INFO USMISSION EC BRUSSELS

USMISSION IAEA VIENNA

C O N F I D E N T I A L STATE 199931

E.O. 11652: GDS

TAGS: PARM

SUBJECT: NPT RATIFICATION - CDU DEPUTY BIRRENBACH'S
REQUEST FOR US VIEWS

REF: BONN 14103, 14183, 14538

1. WE FULLY SHARE EMBASSY'S VIEW ON DESIRABILITY OF
BUNDESTAG'S RATIFYING NPT AND VERIFICATION AGREEMENT BY
LARGEST POSSIBLE MARGIN, AND WE WOULD ALSO AGREE THAT FOR
THIS PURPOSE IT IS DESIRABLE TO ASSUAGE CONCERNS OF
BIRRENBACH AND OTHERS TO EXTENT THIS CAN BE DONE WITHOUT
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UNDERCUTTING OFFICIAL US INTERPRETATIONS OF THE NPT.

2. WE CANNOT OFFER EMBASSY SIGNIFICANTLY NEW GUIDANCE ON QUESTION OF EUROPEAN OPTION. US INTERPRETATION REMAINS AS STATED ON PUBLIC RECORD IN 1968 AND 1969 SENATE HEARINGS, RELEVANT PARTS OF WHICH WERE REPORTED TO BONN IN STATE 28986 (FEB. 25, 1969). FOLLOWING OBSERVATIONS WILL ALMOST CERTAINLY NOT SATISFY BIRRENBACH IF HIS OBJECTIVE IS TO "BRUSH AWAY" US INTERPRETATION AS STATED IN LETTER TO ROSTOW. OBSERVATIONS BELOW MAY, HOWEVER, AT LEAST SERVE TO SHOW WE HAVE GIVEN SERIOUS THOUGHT TO BIRRENBACH'S LATEST

REQUEST FOR US VIEWS ON EUROPEAN OPTION ISSUES.

3. THE US INTERPRETATION DID NOT ATTEMPT TO DEFINE PROCEDURES BY WHICH A NEW EUROPEAN ENTITY COULD ACHIEVE STATUS OF SUCCESSOR TO RIGHTS AND DUTIES OF COMPONENT STATES UNDER NPT, BUT WE WOULD NOT DISAGREE WITH WHAT WE UNDERSTAND ROSTOW HAS SUGGESTED TO BIRRENBACH, NAMELY THAT ACHIEVEMENT OF SUCH STATUS WOULD DEPEND IN LAST ANALYSIS ON ACCEPTANCE BY OTHER STATES. STATE SUCCESSION IS A DOCTRINE THAT WOULD CLEARLY NOT BE APPLICABLE IN THE EARLY OR INTERMEDIATE STAGES OF EVOLUTION TOWARD EUROPEAN UNIFICATION. (WE PLAN TO DISCUSS THIS WITH ROSTOW PROMPTLY BY PHONE.)

4. FYI. OUR UNDERSTANDING OF POSITION OF PRESENT FRG GOVERNMENT IS AS FOLLOWS: FRG STATEMENT ON SIGNING TREATY (NOVEMBER 28, 1969) DID NOT EXPLICITLY REFER TO OUR INTERPRETATION BUT MERELY STATES THAT THE FRG IS CONVINCED THAT NPT "WILL NOT HAMPER EUROPEAN UNIFICATION." MOREOVER, FRG'S WRITTEN REPLY TO MAJOR POLICY QUESTION ENTERED BY CDU/CSU PARLIAMENTARY GROUP ON OCTOBER 20, 1969, STATED THAT THE FEDERAL GOVERNMENT SHARES "THE VIEW OF CDU/CSU PARLIAMENTARY GROUP" REGARDING SIXTH US INTERPRETATION (THAT IT IS "MORE RESTRICTIVE THAN THE LANGUAGE OF ARTICLES I AND II OF THE TREATY REQUIRES"); HOWEVER, THE FEDERAL GOVERNMENT CONSIDERS "THAT THE SIXTH AMERICAN

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INTERPRETATION IS CONSONANT WITH PAST EXPERIENCE AND PROBABLE DEVELOPMENTS" (PAGE 46, FRG WHITE PAPER ON NPT, DECEMBER 1969). END FYI.

5. BIRRENBACH'S QUESTION AS TO HOW CLOSELY LINKED EUROPE MUST BE TO ACQUIRE NUCLEAR WEAPONS SUGGESTS ACQUISITION SHORT OF SITUATION ENVISAGED IN US INTERPRETATION. THIS TYPE OF QUESTION IS BEST HANDLED NOW BY RESTATING THAT THE

NPT ITSELF CONTAINS MECHANISMS FOR REVIEW OF CHANGED CIRCUMSTANCES IN PROVISIONS FOR REVIEW CONFERENCES AND AMENDMENTS.

6. REGARDING OTHER QUESTIONS RAISED IN BIRRENBACH'S LETTER TO ROSTOW, WE ASSUME EMBASSY HAS SUFFICIENT MATERIAL FROM ONGOING REPORTING TO RESPOND EFFECTIVELY. IN PARTICULAR REPORTS OF CURRENT US-IAEA SAFEGUARDS DISCUSSIONS PROVIDE BASIS FOR CORRECTING ANY MISAPPREHENSION THAT USG HAS DECIDED TO QUALIFY ORIGINAL OFFER TO ACCEPT SAFEGUARDS ON PEACEFUL ACTIVITIES. KISSINGER

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